IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 74 OF 2004

Narayan Laxman Tirodkar,
s/o. Laxman Narayan Tirodkar,
residing at Pixem Dongri,
Vasco-da-Gama, Goa. ..... Appellant.

V/s.

Smt. Yeshoda Narayan Tirodkar,
d/o. Laxman N. Kholkar,
residing at Rangale, Betul,
Salcete, Goa. ..... Respondent.

Mr. J. Godinho, Advocate for the appellant.

Respondent present in person.

CORAM : S.S. PARKAR, J.

DATE : 30TH JUNE, 2005.

ORAL ORDER :

By previous order dated 9.12.2004, passed by this Court, it was opined that there was no substantial question of law which arises in this second appeal. In view of that, the second appeal was liable to be dismissed. But the same was not dismissed as the learned Advocate appearing for the appellant had suggested that the couple may be brought before the appropriate forum for a mutually acceptable

settlement. Therefore, this Court had directed to place this second appeal before the Lok Adalat which was to be held on 18th December, 2004. Mr. Godinho appearing for the appellant states that the parties did appear before the Lok Adalat, however, no amicable settlement took place, as the respondent stated that she had to be represented by an Advocate. Subsequent to that, the matter once again came up before the Lok Adalat. However, the matter did not reach and ultimately, the matter has come back to this Court.

2. On the last date, when the mater came up before me on 17.6.2005, as the respondent was not present, letter of intimation was directed to be sent to the respondent and the matter was directed to be placed on Board on 24th June, 2005. On 24th June, I had adjourned the same to 29th June, 2005, to be taken up in Chamber. On 29.6.2005, after hearing the parties in Chamber, it appeared to me that there was no possibility of reconciliation between the husband and the wife. Whilst the appellant stated that he is prepared to take back the respondent in his matrimonial home, the respondent stated that it is not possible for her to go back to the appellant's house as, according to her, the appellant has remarried and has got two issues from his second wife. There is also a reference in the Judgment of the appellate Court about the respondent's allegation. The respondent has examined a witness to show that he had performed the marriage between the

husband and another woman. The respondent, therefore, wanted substantial amount by way of a settlement, to which the husband expressed his inability. Therefore, the matter was kept on Board today.

3. Mr. Godinho appearing for the appellant states that in view of the earlier order of this Court dated 9th December, 2004, stating that there is no substantial question of law which arises in this appeal and in view of the fact that no amicable settlement is possible between the parties, necessary orders may be passed in the appeal.

4. The appeal is rejected as no substantial question of law arises in this appeal.

S.S. PARKAR, J.

ssm.`